

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:06-CV-230-FL

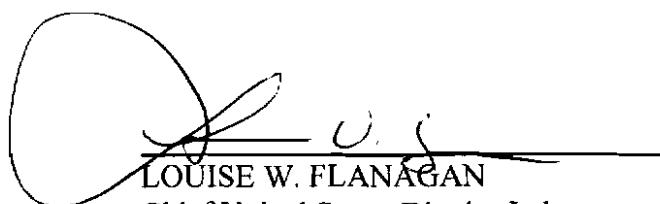
GERALD DUNCAN,)
)
Plaintiff,)
)
v.)
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)
)

ORDER

This matter is before the court on the Memorandum and Recommendation ("M&R") of United States Magistrate Judge David W. Daniel, regarding the parties' cross-motions for judgment on the pleadings. No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.

The court hereby ADOPTS the recommendation of Magistrate Judge David W. Daniel as its own, and, for the reasons stated therein, plaintiff's motion is GRANTED, defendant's motion is DENIED, and this matter is REMANDED to the Commissioner for rehearing consistent with the M&R. The clerk of court is directed to close the case.

SO ORDERED, this the 8 day of January, 2008.



LOUISE W. FLANAGAN
Chief United States District Judge